

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2019-164-E

IN RE:

**Charles Hawkins,
Complainant/Petitioner,**

v.

**Duke Energy Carolinas, LLC,
Defendant/Respondent.**

**Duke Energy Carolinas, LLC's
Motion to Dismiss**

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby moves the Public Service Commission of South Carolina (the “Commission”) to dismiss the above-captioned matter on the merits without the need for a hearing, as such is not necessary for the protection of substantial rights. The Company requests that the Commission hold in abeyance the filing deadlines for all parties and the hearing date until this motion is resolved.

The underlying facts related to this Complaint include customer-specific information, which is set forth in the affidavit of Pam Howze, Consumer Affairs Specialist at DEC, attached here to as Confidential Exhibit A. Additional details regarding Complainant’s account are set forth in Confidential Exhibit B, which shows Complainant’s three-year billing and payment history. The Company requests confidential treatment of these exhibits, pursuant to S.C. Code Ann. Reg. 103-804(S)(2), on the basis that they contain customer-specific account information.

In support of its motion, DEC shows the following:

ARGUMENT

DEC requests that the Complaint be dismissed pursuant to S.C. Code Ann. § 58-27-1990, which allows the Commission to dismiss a complaint if it determines that “a hearing is not necessary in the public interest or for the protection of substantial rights.” First, as to Mr. Hawkins’ allegation that the Company did not give him enough time to contact the aid agency, the Company notes that the 10-day response time was set not by the Company but by Order No. 2019-49-H. Moreover, the 10-day response time was discussed on the April 5, 2019 conference call and Mr. Hawkins did not object to that timeframe. That response time was then memorialized and formally directed to the parties in Order No. 2019-49-H, and Mr. Hawkins did not seek rehearing of that order or otherwise seek more time. Like the Company, Mr. Hawkins could have contacted the aid agency on April 5, 2019 or on any day following, but evidently did not do so as he did not comply with Order No. 2019-49-H by “fil[ing] the result of this contact by April 15, 2019.”

In the Complaint, Mr. Hawkins also seems to imply that he was not aware of the impending service disconnection. As explained in the attached affidavit, on May 2, 2019 and May 3, 2019, the Company hung door hangers on the door of Mr. Hawkins’ service address notifying him of the anticipated service disconnection. On telephone calls between the Company and Mr. Hawkins on May 7, 2019 and May 10, 2019, Mr. Hawkins affirmed that he had received the door hangers, and service was then disconnected on May 13, 2019. Moreover, as explained in the attached affidavit, service to the address has since been restored.

DEC respectfully requests that the Complaint be dismissed on the merits and submits that, consistent with S.C. Code Ann. § 58-27-1990, and in light of the fact that service has been restored, a hearing is not necessary for the protection of substantial rights in this case.

CONCLUSION

DEC has been responsive and flexible with respect to Mr. Hawkins' account, and submits that a hearing in this case is not necessary for the protection of substantial rights. Therefore, this matter should be dismissed.

WHEREFORE, DEC moves the Commission to dismiss the Complaint with prejudice; grant confidential treatment of Exhibits A and B; hold the testimony deadlines for all parties and the hearing in abeyance pending resolution of this motion; and grant such other relief as the Commission deems just and proper.

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Attorneys for Duke Energy Carolinas, LLC

Columbia, South Carolina
 June 4, 2019

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EXHIBIT A

**AFFIDAVIT OF PAM HOWZE
CONSUMER AFFAIRS SPECIALIST
DUKE ENERGY CAROLINAS, LLC**

CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION
FILED UNDER SEAL

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EXHIBIT B
BILLING AND PAYMENT HISTORY

CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION
FILED UNDER SEAL